

AMENDED IN SENATE JUNE 25, 1998
AMENDED IN ASSEMBLY MAY 11, 1998
AMENDED IN ASSEMBLY MARCH 12, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1721

**Introduced by Assembly Member Cunneen
(Coauthors: Assembly Members Alquist and Honda)**

February 2, 1998

An act to add Section 41209 to the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as amended, Cunneen. Education: minimum level of education funding.

~~Existing~~

(1) *Existing* law, as set forth in Section 8 of Article XVI of the California Constitution (hereafter Section 8), requires the state to apply a minimum amount of funding for each fiscal year for the support of school districts, as defined, and community college districts. Existing law directs the amount of state funding appropriated in each fiscal year to comply with the state's minimum funding obligation under Section 8 be distributed to school districts, as defined, to community college districts, and to state-operated schools according to a specified formula. Existing law also prescribes procedures through which the Department of Finance computes the amount by which the amount required to be appropriated for

the purpose of meeting the state's minimum funding obligation pursuant to Section 8 for the 1996-97 fiscal year exceeds the total amount actually appropriated for that purpose for the 1996-97 fiscal year and requires specified allocations to be made from that amount to school districts for the purpose of equalizing school district revenue limits.

This bill would declare that, in any fiscal year in which, in addition to any allocations made for the purpose of equalizing school district revenue limits, an appropriation is made to school districts pursuant to these provisions because these requirements were not sufficiently funded in a prior fiscal year, and the appropriation is allocated on the basis of equal payments for each unit of each school district's average daily attendance, it is the intent of the Legislature that average daily attendance shall include average daily attendance for regular education, adult education, and regional occupational programs and centers. The bill would express the intent of the Legislature not to interfere with, or change, the application of the provision relating to the allocations for the purpose of equalizing school district revenue limits ~~and that is~~ referenced above. *The bill would provide that these provisions should not be construed to limit the flexibility of the Legislature or Governor to propose budget appropriations apportioned on the basis of equal payments for each unit of each school district's average daily attendance that exclude funds for adult education programs or regional occupational programs and centers.*

~~This bill would express legislative intent that it apply to those funds that the Legislature or Governor has decided to distribute on the basis of units of average daily attendance and not be applicable if the Legislature determines that adult education programs and regional occupational centers and programs are not eligible to expend the funds.~~

(2) Existing law prohibits, with certain exceptions, revenue derived from the average daily attendance of adult education programs from being expended for other than adult education purposes.

This bill would require a school district receiving funds pursuant to the provisions of the bill to use any funds allocated for average daily attendance of adult education programs or

regional occupational centers or programs only for purposes of those programs, respectively.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41209 is added to the Education
2 Code, to read:

3 41209. (a) Except as provided in subdivision (b), and
4 notwithstanding any other provision of law, in any fiscal
5 year when, in addition to any allocations required
6 pursuant to Section 42238.42, an appropriation is made for
7 the purposes of meeting the minimum funding
8 requirements for public education, as set forth in Section
9 8 of Article XVI of the California Constitution, because
10 these requirements were not sufficiently funded in a
11 prior fiscal year, and the appropriation is apportioned on
12 the basis of equal payments for each unit of each school
13 district's average daily attendance, it is the intent of the
14 Legislature that average daily attendance shall include
15 the average daily attendance for regular education, adult
16 education, and regional occupational programs and
17 centers, as claimed in the school year in which the
18 funding deficiency occurred. It is not the intent of the
19 Legislature to interfere with, or to change, the
20 application of Section 42238.42.

21 ~~(b) It is the intent of the Legislature that this section~~
22 ~~apply to those funds that the Legislature or Governor has~~
23 ~~decided to distribute on the basis of units of average daily~~
24 ~~attendance and not apply if the Legislature determines~~
25 ~~that adult education programs and regional occupational~~
26 ~~centers and programs are not eligible to expend the~~
27 ~~funds. The Legislature further intends that a district~~

28 *(b) Nothing in this section shall be construed to limit*
29 *the flexibility of the Legislature or Governor to propose*
30 *budget appropriations apportioned on the basis of equal*
31 *payments for each unit of each school district's average*
32 *daily attendance that exclude funds for adult education*
33 *programs or regional occupational programs and centers.*

1 (c) A *district* receiving funds distributed as described
2 in subdivision (a) shall, consistent with Section 52501.5,
3 use any funds allocated for average daily attendance of
4 adult education programs or regional occupational
5 centers or programs only for purposes of adult education
6 programs or regional occupational centers or programs.

